

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

TAMER HOSNY,

Plaintiff,

vs.

ALIAUNE THIAM p/k/a “AKON,”  
and TARIK FREITEKH,

Defendants.

Civil Action File  
No. 1:13-cv-04103-WSD

**CONSENT MOTION TO AMEND THE DISCOVERY PLAN AND  
EXTEND THE DISCOVERY PERIOD BY NINETY DAYS**

Pursuant to this Court’s Order dated March 26, 2014 [Doc. 13], the discovery period in this case is currently set to close on June 30, 2014, and the deadline to file summary judgment motions is currently set for July 31, 2014. Pursuant to Fed. R. Civ. P. 16(b)(4) and Local Rule 26.2, and in compliance with the Court’s Standing Order Regarding Civil Litigation, the parties, by and through their undersigned counsel, respectfully request to extend these deadlines by 90 days, to and including September 29, 2014 for the discovery deadline and October 29, 2014 for the summary judgment motions deadline.

Good cause exists to support this request given that circumstances, unanticipated and unforeseen at the time of filing the initial Joint Preliminary Report and Detailed Discovery Plan in March 2014, have prevented the parties from timely completing the scheduled discovery tasks, particularly the fact witness depositions. At the time of filing the Discovery Plan, the parties anticipated being able to conduct depositions of fact witnesses by June 30, 2014. Discovery had just begun, and the parties acknowledged that many of the non-party witnesses identified for depositions lived out-of-state and would have to be confirmed for availability and specific timing since the parties did not have control over their schedules.

Plaintiff has, to date, been unable to locate and serve process upon Defendant Tarik Freitekh (“Freitekh”), and Freitekh has not yet made an appearance in this case. The Court previously granted Hosny an extension of time up to and including July 1, 2014, to serve Freitekh with a copy of the Summons and Complaint. The parties have delayed conducting depositions, in part, because Freitekh has not yet been served with process.

The scheduling of depositions of non-party witnesses, as well as the parties themselves, has been further complicated by the fact that most of the witnesses in this case work in the entertainment industry (some being international celebrities)

with schedules that involve significant travel, scheduled appearances, and work outside the State of Georgia. For example, while the parties anticipated that non-party Armando Perez, p/k/a “Pitbull,” (“Perez”) could be deposed by June 9, 2014, he still has not been located for service of a subpoena and has key information relevant to the facts and allegations in this case.

The parties are in the process of confirming new deposition dates in August for Plaintiff Tamer Hosny (“Hosny”) and Defendant Aliaune Thiam (“Thiam”), as well as scheduling the deposition of non-party witness Khady Thiam. Hosny still wants to depose Perez once he can be located for service of a subpoena due to his involvement in the underlying facts of this case.

No extensions of the discovery period have previously been granted. The parties have exchanged written discovery requests and responses, and are in the process of exchanging responsive documents.

The parties propose the following revised timetable for completing remaining discovery tasks:

1. Confirm and schedule a deposition date for Plaintiff Hosny in July 2014 or August 2014 at the location of 3715 Northside Parkway, Suite 4-230, Atlanta, GA 30327;

2. Confirm and schedule a deposition for Defendant Thiam in August 2014 at the location of 1447 Peachtree Street, N.E., Suite 610, Atlanta, GA 30309;
3. Confirm and schedule a deposition date for non-party witness Khady Thiam in August 2014 at the location of 1447 Peachtree Street, N.E., Suite 610, Atlanta, GA 30309;
4. Confirm and schedule a deposition date for non-party witness Jack Haffner in August 2014 at the location of 3715 Northside Parkway, Suite 4-230, Atlanta, GA 30327;
5. Determine any other non-party witness depositions and schedule prior to July 15, 2014;
6. Service of subpoena upon non-party witness Perez for deposition to be conducted prior to September 29, 2014;
7. Locate Defendant Freitekh for service of process by July 1, 2014 and schedule a deposition date prior to September 29, 2014;
8. Motions to Compel shall be filed no later than 33 days before the close of discovery;
9. Summary Judgment Motions shall be filed no later than October 29, 2014.

10. Consolidated Pretrial Order shall be filed no later than October 29, 2014.

A proposed order is attached hereto as Exhibit A.

**Prepared and submitted by:**

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**LOCAL RULE 7.1(D) CERTIFICATION**

By signature below, counsel certifies that the foregoing pleading was prepared in Times New Roman, 14-point font in compliance with Local Rule 5.1C.

Respectfully submitted this 27<sup>th</sup> day of June, 2014.

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